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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,257	08/22/2001	Dierk Reuter	3499-77	1203
56678 7590 03/23/2007 LEE & HAYES, PLLC 421 W. RIVERSIDE AVE. SUITE 500 SPOKANE, WA 99201			EXAMINER NGUYEN, NGA B	
			ART UNIT	PAPER NUMBER
			3692	
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		03/23/2007	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/23/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhpto@leehayes.com

Office Action Summary

Application No.

09/935,257

Applicant(s)

REUTER ET AL.

Examiner

Nga B. Nguyen

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3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is the answer to the communication filed on January 3, 2007, which paper has been placed of record in the file.
2. Claims 1-15 are pending in this application.

Response to Arguments/Amendment

3. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
4. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of new ground of rejection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1-4, 6, and 10-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Buist, U.S. Patent No. 6,408,282.

Regarding to claim 1, Buist discloses a computer-implemented method for trading financial products, the method comprising:

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in a first communication channel, streaming offering data for a plurality of different financial products from a server to a trading terminal (figure 1; column 6, line 66-column 7, line 5; and column 7, lines 55-65, each user's workstation 10 is connected to a hierarchical server and database structure 55 via a communications network 15);

in a second communication channel, receiving a request for offer details relating to a first one of the plurality of financial products, the request comprising a user-specified constraint identifying a desired characteristic of the first financial product (figure 1 and column 8, lines 33-47, each user's workstation is connected to the broker/dealer server and database 42 via a communications 12);

determining offering information for the first product based on the user-specified constraint (column 9, line 65-column 10, line 5, the order is transmitted to the server and database 42 of the user's broker/dealer is checked); and

in the second communication channel, transmitting information relating to the specific product to the trading terminal (column 10, lines 55-62, the broker/dealer servers notify the users status of the transactions).

Regarding to claim 2, Buist further discloses wherein the offering data comprises an aggregate of market data from a plurality of dealers of over-the-counter financial products and the method further comprises: at the server, receiving the market data from the plurality of dealers and aggregating the market data (column 10, lines 5-25, root server 50 receiving the market data from the plurality of dealers and aggregating the market data).

Regarding to claim 3, Buist further discloses wherein: the first product is an over-the-counter product selected from the group consisting of a simple option, an even currency swap, an even currency roll, an outright forward, an uneven swap, a risk reversal, a straddle, a strangle, a derivative, and an option, and the user-specified constraint comprises a constraint selected from the group consisting of a value date and a strike price (column 9, lines 55-65).

Regarding to claim 4, Buist further discloses wherein streaming in the first communication channel comprises periodically re-transmitting offering data for the plurality of different financial products to enable a display of updated information reflecting changes in market conditions for the plurality of financial products (column 9, lines 50-55).

Regarding to claim 6, Buist further discloses for each of the plurality of financial products, the offering data comprises an associated value date, and price; and the request for details comprises a request for pricing details related to one of the over-the-counter products and the user-specified constraint comprises a different time period than that identified by the streamed offering data (column 12, lines 7-45).

Claim 10 contains similar limitations found in claim 1 above, therefore, is rejected by the same rationale.

Claims 11-14 are written in computer-readable data storage apparatus and contain similar limitations found in claims 1-4 above, therefore, are rejected by the same rationale.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5, 7-9, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable Buist, U.S. Patent No. 6,408,282.

Regarding to claim 7, Buist discloses a computer system for providing financial product offerings over a network, the system comprising:

a computer server accessible to a trading terminal over a communications network (figure 1; column 6, line 66-column 7, line 5; and column 7, lines 55-65, each user's workstation 10 is connected to a hierarchical server and database structure 55 via a communications network 15); and

executable software stored on the server operative to configuring the server to:

stream data relating to multiple product offerings over a first communication channel to the trading terminal (column 7, lines 55-65);

receive a request for details relating to a specific product over a second communication channel that is logically separate from the first communication channel, transmit information over the second communication channel relating to the specific product (figure 1 and column 8, lines 33-47, each user's workstation is connected to the broker/dealer server and database 42 via a communications 12);

receive an order over the second communication channel relating to the specific product (column 9, line 65-column 10, line 5, the order is transmitted to the server and database 42 of the user's broker/dealer is checked) ; and

Buist does not disclose associate different processing priorities with data transmitted over the first channel compared to data transmitted over the second channel. However, processing priorities with data transmitted over the first channel compared to data transmitted over the second channel is well known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Buist's to incorporate well-known the feature above for the purpose of providing balancing the data transmitted to avoid data overloading.

Regarding to claim 8, Buist further discloses communication over the first and second communication channels is in accordance with the hypertext transfer protocol (column 6, lines 25-30, Internet is hypertext transfer protocol).

Regarding to claim 9, Buist does not disclose wherein the communication network comprises an Intranet. However, communicating over the network using the Intranet is well known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Buist's to incorporate the feature above for the purpose of providing more secure when using Intranet as the communication network.

Regarding to claims 5 and 15, Buist does not disclose monitoring network transmission conditions and, based on the network transmission conditions, adjusting a rate of the periodic re-transmitting. However, monitoring network transmission

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conditions and adjusting a rate of the periodic re-transmitting are well known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Buist's to include the features above for the purpose of balancing the data transmitted to avoid data overloading.

Conclusion

9. Claims **1-15** are rejected.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (571) 272-6799.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
C/o Technology Center 3600
Washington, DC 20231

Or faxed to:

(571) 273-8300 (for formal communication intended for entry),

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or

(571) 273-0325 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox building, 501 Dulany Street, Alexandria, VA, First Floor (Receptionist).

A handwritten signature in cursive script, appearing to read "Nga Nguyen".

NGA NGUYEN
PRIMARY EXAMINER

February 28, 2007